

## **RULE 3.2**

### **ASSIGNMENT AND REASSIGNMENT OF CASES**

#### **(a) Assignment and Reassignment in General; Case Assignment System**

All actions or proceedings of a civil nature shall be numbered consecutively upon the filing of the first document in each such action or proceedings. Neither the Clerk of Court nor any of the deputy clerks shall have any discretion in determining the judicial officer to whom any matter is assigned, the action of the Clerk of Court being ministerial only. The Clerk of Court shall assign cases to judicial officers by lot, using the Computerized Case Assignment System, in such manner that each district judge shall be assigned an equal number of said cases per category. The Clerk of Court shall assign appeals from decisions of the U. S. Bankruptcy Court to the district judges by lot so that each district judge is assigned an equal number of bankruptcy appeals.

The district judge or magistrate judge to whom any particular action or proceeding is assigned will thereupon have full charge of such action or proceeding and no change in such assignment shall be made except by order of the judicial officer affected, or by order of the Chief Judge with the consent of the judicial officer from whom transfer is to be made, except as may otherwise be provided in these rules.

#### **(b) Transfer of Cases**

In the interest of justice, consolidation of cases, recusals, or to further the efficient performance of the business of the Court, a judge may return a case to the Clerk of Court for reassignment, whether or not the case is related to any other case, or may transfer the case to another district judge if the receiving district judge consents to the transfer. The district judge who transfers a case because of any of the above mentioned reasons, shall receive in exchange a case of the same category and complexity and contemporary with the transferred case, to the extent feasible. This determination will be made by the district judge transferring the case, subject to the approval of the receiving district judge.

#### **(c) Recusals**

Any judicial officer who recuses himself or herself from a case shall also enter an order of recusal. The entering of an order of recusal shall also apply to standing orders of recusal.

#### **(d) Related Cases**

Upon filing, a party must indicate whether a case is related to a pending case, by listing the title and number of the related action in the Category Sheet. An action is deemed related to another if:

- (1) both actions involve the same parties and are based on the same or a similar claim; or
- (2) both actions involve the same property, transaction, or event;

- (3) both actions involve similar questions of fact and the same question of law and their assignment to the same district judge is likely to effectuate a substantial saving of judicial effort.

**(e) Special Assignments**

- (1) Transfer of Cases due to Prolonged Illness or Unavoidable Delay. Whenever the Court deems it necessary and in order to prevent excessive delay in the disposition of cases, it may, in the event of prolonged illness, disability, or other unavoidable absence of any judge, transfer cases from the calendar of said judge. The transfer to another judge shall be made by order of the Chief Judge or his or her designee, returning the case for reassignment using the Computerized Case Assignment System.
- (2) Matters and Proceedings Requiring Immediate Action. If the judge to whom a case had been assigned is unavailable or otherwise unable to hear a matter which requires immediate action, the Clerk of Court shall inform the Chief Judge, or his or her designee, who shall make a special assignment to hear the matter. The assigned judge will dispose of the matter only to the extent necessary to meet the immediate need. Proceedings in the case will thereafter be in the care of the judge already assigned to preside.
- (3) Cases Remanded from the First Circuit Court of Appeals. A case remanded for further proceedings following a vacation or remand of any pretrial order or judgment shall be assigned to the judge who acted in the matter, unless otherwise ordered by the Court of Appeals.
- (4) Unanticipated Crowding of the Docket; Emergencies. In the event of an unanticipated crowding of the docket that unexpectedly strains the institutional resources of the Court, or in the event of an emergency, and in order to manage the Court's calendar fairly and efficiently, the Chief Judge, upon consultation with the district judges, may order the reassignment or transfer of cases in the Court's docket superseding the Case Assignment System and the method of assignment, reassignment and transfer of cases set forth in these rules.

**(f) Calendar Conflicts Amongst Judicial Officers**

- (1) Order of Precedence. All actions and proceedings before the Court are subject to the order of precedence set forth herein below:
  - (A) trials shall take precedence over all other hearings;
  - (B) jury trials shall take precedence over non-jury trials;
  - (C) criminal cases shall take precedence over civil cases;
  - (D) criminal cases involving defendants in custody shall take precedence over other criminal cases;
  - (E) among criminal cases not involving defendants who are in custody, the case having the earliest docket number shall take precedence over the others;

- (F) among civil cases, the case having the earliest docket number shall take precedence over the others.
- (2) Notice by Counsel. When there is a conflict between court appearances, counsel shall notify each judicial officer involved in writing not later than three (3) business days after receipt of the notice giving rise to the conflict. The motion shall indicate the names and docket numbers of each case, and the date and time of the hearings. The case(s) not having precedence will be rescheduled.